

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

Plaintiff,

v.

Criminal Action No. 1:03CR39-01
(STAMP)

MATEEN J. ABDUL-AZIZ,

Defendant.

**ORDER AFFIRMING AND ADOPTING REPORT
AND RECOMMENDATION OF MAGISTRATE JUDGE**

On June 21, 2012, this Court entered an order denying as moot the defendant's motion to return personal property and to hold the government in contempt of court. This Court neglected to note that David J. Joel, United States Magistrate Judge, had also entered a report recommending that this Court deny this motion as moot. The defendant did not object to the magistrate judge's report, so the findings and recommendation will be upheld unless they are "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A).

Following review of the magistrate judge's report and recommendation, and for the reasons articulated in this Court's order of June 21, 2012, this Court finds that the magistrate judge's determinations were not clearly erroneous and AFFIRMS AND ADOPTS the recommendation of the magistrate judge in its entirety. This ruling thus confirms the order of June 21, 2012 denying the defendant's motion as moot.

Moreover, this Court finds that the petitioner was properly advised by the magistrate judge that failure to timely object to

the report and recommendation in this action will result in a waiver of appellate rights. Thus, the petitioner's failure to object to the magistrate judge's proposed findings and recommendation bars the petitioner from appealing the judgment of this Court. See 18 U.S.C. § 636(b)(1); Wright v. Collins, 766 F.2d 841, 845 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

IT IS SO ORDERED.

The Clerk is directed to transmit copies of this order to the defendant by certified mail and to counsel of record herein.

DATED: June 22, 2012

/s/ Frederick P. Stamp, Jr.
FREDERICK P. STAMP, JR.
UNITED STATES DISTRICT JUDGE